

RECEIVED
CENTRAL FAX CENTER

JUN 17 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/672,268 Confirmation No. 8844
Applicant : Laszlo J. Kecskes et al
Filed : September 23, 2003
TC/AU : 3725
Examiner : Jason Y Pahng
Docket No. : ARL 03-22
Customer No. : 37064

Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT UNDER 35 USC 121

This is in response to a restriction requirement of May 17, 2005 wherein the Examiner identified the following groups of claims as being separate inventions: Group I including Claims 1-22 drawn to an apparatus for recovering projectile material fragments, classified in class 241, subclass 31; and Group II including Claims 23-29 drawn to a process for capturing projectile material fragments, classified in class 241, subclass 5.

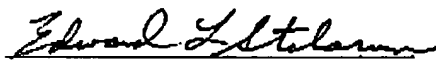
Applicant hereby elects, without traverse, to prosecute the Group I Claims 1-22, and to withdraw the Group II claims from further consideration.

In view of Group I having been elected, the Examiner has further imposed a secondary election requirement, further restricting the claims of Group I into Group I including Claims 1-11 drawn to a combination, an apparatus for recovering projectile material fragments with a target, classified in Class 241, subclass 82; and Group II

including Claims 12-22 drawn to a subcombination, an apparatus for recovering projectile material fragments, classified in class 241, subclass 31.

Applicant hereby elects, with traverse, to prosecute the Group I Claims 1-11, and to withdraw the Group II claims from further consideration. Applicant's traversal is based upon the inconsistent position asserted by the Examiner that Claims 1-11 are not only classified in class 241, subclass 31 but are also classified in class 241, subclass 82. Further, both sets of claims recite a projectile containment chamber, a solvent-soluble granulated material therein, and a target or target material, suggesting that the Examiner's combination-subcombination distinction is an inappropriate distinction that overlooks the recitation of "target material" in Claims 12-22 and, further, that any search for one set of claims (1-11) would encompass the other set of claims (12-22) as well and, accordingly, consideration of Claims 1-22 as a single Group would not impose a significant additional burden upon the Examiner. Applicant respectfully requests the Examiner reconsider and withdraw the secondary election requirement and treat Claims 1-22 as a single group for examination purposes.

June 17, 2005


EDWARD L. STOLARUN
Attorney of Record
Reg. No. 25,515
US Army Research Laboratory
Telephone (703) 806-8244

BEST AVAILABLE COPY